

WARWICK ZONING BOARD OF REVIEW
MINUTES OF THE FEBRUARY 17, 2015 MEETING

A regular hearing of the Warwick Zoning Board of Review was held on Tuesday, February 17, 2015 at 6:00 P.M. at Warwick City Hall, in the Warwick City Council Chambers, 3275 Post Road, Warwick, Rhode Island. Donald Morash, Chairman, called the meeting to order.

The Secretary called the roll and noted the following members present:

Donald Morash, Chairman
Richard Corley, Vice Chairman
Beverly Sturdahl

Alternates: Paul Wyrostek
Julie Finn

Absent: Everett O'Donnell
Attilio Iacobucci

Also present: Diana Pearson, Esq., Assistant City Solicitor
Richard Crenca, Warwick Planning Department
Carol Chevalier, Secretary
Mary Ellen Hall, Stenographer

The Chairman declared a quorum. The roll was called.

Petition #10157

Ward 8

205 Lambert Lind Highway

The petition of Warwick Mall, LLC, 400 Bald Hill Road, Warwick, RI, for a request for a dimensional variance to demolish existing 3,500 square foot building and construct a new 6,057 square foot building to be occupied for retail sales, proposed building having less than required side yard setback, less than required parking, less than required landscape border and less than required rear yard setback for dumpster, westerly side of Lambert Lind Highway (205), Warwick, RI, Assessor's Plat 386, Lot 8, zoned General Business. (Change in site plan to remove two existing curb cuts on Lambert Lind Highway)

Daniel Flaherty, Esq., 33 College Hill Road, representing the petitioner was present.
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Mr. Flaherty stated that the request was for a change in site plan. His client obtained approval from the Board to knock down the costume shop and build a new structure for Jared Jewelers. He is requesting to close off the two curb cuts in front of the building out onto Route 5. It will allow for two additional off street parking spaces. The Pontiac Village Association has seen the new plan.

Mr. Corley stated that he is not a traffic engineer but closing the two curbs cuts would improve the traffic flow on Route 5. The brand new building would benefit the mall property. With that statement he made a motion to approve the change in site plan. The motion was seconded by Paul Wyrostek and passed unanimously by the Board that the change in site plan be GRANTED.

Petition #10191

Ward 7

1058 Greenwich Avenue

The petition of Kyla Coburn, 1058 Greenwich Avenue, Warwick, RI, for a request for a dimensional variance to construct a 20' x 30' detached garage with a 4' x 12' covered porch, proposed garage being higher than allowed, easterly side of Greenwich Avenue (1058), Warwick, RI, Assessor's Plat 266, Lot 524, zoned Residential A-10.

Kyla Coburn, 1058 Greenwich Avenue, petitioner, was present.

The petitioner stated that she proposes to construct a detached garage on her property. Her property is sloped so she needs height relief due to the slope of the land towards the water. The garage would appear higher on the water side than the street side. She and her husband work from home and need artist space and work space. They just had their fifth child and need space for bikes, storage and for their boat. There would be no apartment in the garage.

Mr. Corley stated that the petitioner is seeking relief due to the unique character of the land. The plan takes into account the topography of the property. With that statement he made a motion to approve the petition. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED.

Petition #10187

Ward 1

127 Canna Street

The petition of David A. Langevin, 127 Canna Street, Warwick, RI, for a request for a dimensional variance to construct an above ground pool with less than required side and rear yard setbacks, pool filter having less than required side yard setback, westerly side of Canna Street (127), Warwick, RI, Assessor's Plat 307, Lot 62, zoned Residential A-10.

David Langevin, 127 Canna Street, petitioner, was present

The petitioner stated that he would like to construct an above ground swimming pool. He is seeking relief from the side and rear property lines. He has a septic system on the property and is limited to placement.

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Mr. Crenca asked if the property was fenced.

The petitioner stated that there would be a six foot fence installed.

Mr. Corley stated that he looked at the placement and the fences on the plan. With that statement he made a motion to approve the petition. The motion was seconded by Paul Wyrostek and passed unanimously by the Board that the petition be GRANTED with the stipulation that a six (6) foot fence be installed around the pool.

Petition #10188

Ward 9

123 Baycliff Drive

The petition of Christopher Galagan, 123 Baycliff Drive, Warwick, RI, for a request for a dimensional variance to construct a 18' x 20' carport with less than required front yard setback, to legalize location of existing 12' x 14' shed, said shed having less than required rear yard setback, easterly side of Baycliff Drive (123), Warwick, RI, Assessor's Plat 203, Lot 93, 94 & 95 zoned Residential A-10.

Christopher Galagan, 123 Baycliff Drive, petitioner, was present.

Richard Crenca, Warwick Planning Department, stated that the petitioner is in the process of a subdivision to merge the lots together.

The petitioner stated that they would like to legalize the location of the shed in the back that does not meet the rear property line setback. They would also like to construct a carport in the front yard that would not meet the front yard setback. The shed has been there for 12 years. They did not have a survey at the time it was constructed. There is a leach field up against the back side of the proposed carport. The area does not have sewers. He stated that the pavement is 17' out from his property line along the front. The carport would be 18 ½ feet from the pavement. He has started the process to combine the three lots.

Mr. Corley made a motion to approve the petition with the stipulation that the three lots be combined it would take three undersized lots and leave one 15,000 square foot lot with a single family home. The request is not unreasonable. The motion was seconded by Julie Finn and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10189

Ward 9

150 Beachwood Drive

The petition of Country View Holdings, LLC, 106 Ten Rod Road, Exeter, RI for a request for a dimensional variance to construct a 12' x 23' second floor addition over existing garage, proposed addition having less than required front yard and side yard (left side) setbacks,

northerly side of Beachwood Drive (150), Warwick, RI, Assessor's Plat 203, lot 27, zoned Residential A-15.

Armand Cortolesso, 106 Ten Rod Road, Exeter, petitioner, was present.
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Richard Crenca, Warwick Planning Department, read recommendations into the record.

The petitioner described the plan to the Board and the relief requested.

The petitioner and Mr. Crenca discussed the drainage issue.

Mr. Corley asked the petitioner if this would be an additional living unit.

The petitioner stated that it would not be an apartment.

Mr. Corley made a motion to approve the petition with all of the stipulations from the Planning Department. The footprint would not be changing. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10190

Ward 2

186 Falcon Avenue

The petition of Shirley Abrahamson, 186 Falcon Avenue, Warwick, RI, for a use variance to have a kennel/dog breeding business in residential zone, southerly side of Falcon Avenue (186), Warwick, RI, Assessor's Plat 308, Lot 59, zoned Residential A-7.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

Shirley Abrahamson and David Abrahamson, petitioners, were present.

Mr. Crenca stated that the Board of Public Safety delayed their request for a license until they received approval from the Zoning Board.

The petitioner stated that she did not know there was a limit on the number of dogs. Someone in her neighborhood called animal control.

The Chairman asked if she spoke to the neighbors.

She stated that she had and no one was present at the hearing tonight. She stated that she did not have any incidents with the neighbors. She had a yard sale and someone parked in front of her neighbors' driveway. She stated that the dogs are brought outside to go to the bathroom and brought right back in. She has 10 dogs presently and five breeding females. She has two male dogs that she has as pets. The dogs range in size from 2 pounds to 10 pounds and range in age from 2 years to 12 years. She stated that the puppy's stay with her until 9 weeks old then they are sold.

Mr. Corley stated that you are allowed three dogs. The request is for a use variance and the property has a value as a residence. This is for economic gain and does not qualify for a use variance.

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There was discussion regarding debarking of the dogs, the number of dogs, the area where the dogs are kept and the effect on the neighbors.

The Chairman stated that the petitioner should continue the petition until the Board has written testimony from the neighbors that they do not have any concerns and clarification on debarking. The petitioner should consider agreeing to not replacing the dogs as they pass on.

Mr. Corley questioned the issue of the space heater in the structure where the animals are kept. He questioned approval from the Fire Department.

The petitioner's then stated that they would like to continue the petition.

Julie Finn made a motion to approve the request for the continuance the motion was seconded by Richard Corley and passed unanimously by the Board that the petition be CONTINUED to the April 14th hearing.

Petition #10193

Ward 2

93-95 Airport Road

The petition of CK Holdings, LLC, 400 Smith Street, Providence, RI, for a request for a dimensional variance and a use variance to convert existing office building to a single-family dwelling and convert second building on property into an office, said building having less than required setback from residential zone and side street property line, less than required setback for proposed freestanding sign, less than required landscape buffer, parking having less than required aisle width, northerly side of Airport Road (93-95), Warwick, RI, Assessor's Plat 312, lot 302, zoned Office.

Michael McEntee, Esq., representing the petitioner, was present.
Stephen Clarke, 400 Smith Street, Providence, petitioner, was also present.

Richard Crenca, Warwick Planning Department, stated that he met with the petitioner. He offered certain things on the plan and the petitioner agreed to the changes. He took all of the suggestions he presented and they have been made and requested that if the Board approves the petition to approve it with substantial compliance with the plans.

The attorney stated that the property is on the corner of Airport Road and Elmhurst Avenue. There are presently two buildings on the property. One is presently an office and they would like to convert is back to residential. The smaller building would be converted to an office.

The petitioner is an engineer and presented his resume to the Board (Petitioner's Exhibit #1). The petitioner was accepted as an expert witness in the field of engineering (Motion was made by Richard Corley, seconded by Paul Wrostek and passed unanimously by the Board).

The office would be a small 1 to 2 person office and it would not be an insurance office.

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The petitioner presented a series of three photographs that were marked as Petitioner's Exhibit #2. He stated that he purchased the property in September of 2014. The footprints of both structures would not be changing.

He described the plan to the Board.

He stated that there would be a fence installed along the residential property. The curb cut on Airport Road would be eliminated. He obtained a permit to convert the larger office building back to a residence. There is no problem with the sign.

He spoke with one of the neighbors. The neighbor requested that 18 inches be taken off the bottom of the sign for visibility purposes and asked that the shutters on the buildings not be blue in color.

The attorney explained the relief requested to the Board.

The petitioner described the plan to the Board. Mr. Corley questioned the parking for the residential dwelling. The petitioner explained which spaces would be for which building.

Mr. Corley stated that the proposal would be an improvement to the property.

Mr. Crenca stated that the landscaping would have to receive approval from the Landscape Project Coordinator. The use meets the goals of the Comp Plan. He suggested that the lots be merged.

Mr. Corley made a motion to grant the petition with the stipulations that the lots be merged into one bigger piece of land. He stated that closing the curb cut and a new fence would be a major improvement to the property. The property is currently an eyesore. The petitioner addressed the safety issues by closing the curb cut. The proposed parking is an improvement. The parking relief is necessary. The motion was seconded by Paul Wrostek and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10194

Ward 4

Belfort Ave. & Rosemere Ave. & Lyndale Ave.

The petition of Walter Reynolds & Sandra Gelineau, 297 Fishing Cove Road, North Kingstown, RI and Zarella & Assoc. 2 Olsons Way, East Greenwich, RI, for a dimensional variance to construct a 24' x 26' single-family dwelling with a 10' x 10' deck on subject property, subject property being an undersized non-conforming lot, proposed dwelling having less than required

side street (Rosemere Avenue) setback, northeasterly corner of Belfort Avenue, Rosemere Avenue and Lundale Avenue, Warwick, RI, Assessor's Plat 329, Lots 434 and 451, zoned Residential A-7.

Sanford Resnick, Esq. was present representing the petitioner.
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Gerry Zarrella, Jr., petitioner, was also present.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

The attorney stated that the two lots have been in the same family since the 1920's. They do agree with the Planning Department and will merge the two lots. They are merged by operation of law presently. He stated that there are 12 houses in the area 10 are on non-conforming lots. The setbacks proposed are consistent with the area.

Mr. Corley stated that the property is of a unique nature and the property needs setback relief to be able to put a house there. There are many houses that have a quirky placement on the property. With that statement he made a motion to approve the petition with the stipulations presented. The motion was seconded by Paul Wyrostek and passed unanimously by the Board that the petition be GRANTED with stipulations.

Petition #10195

Ward 5

Mayflower Avenue

The petition of John Giusti & Joseph Maraia, P.O. Box 7537, Warwick, RI, for a request for a dimensional variance to construct a 20' x 36' single-family dwelling with attached deck, subject property being an undersized non-conforming lot, proposed dwelling having less than required side yard and side street setbacks and less than required setback from coastal feature, northeasterly corner of Mayflower Avenue and Priscilla Avenue, Warwick, RI, Assessor's Plat 356, lot 344, zoned Residential A-15.

Joseph Brennan, Esq., Shekarchi Law Office, 33 College Hill Road, Warwick, was present representing the petitioner.

John Giusti, petitioner, was also present.

Richard Crenca, Warwick Planning Department, read recommendations into the record.

Mr. Brennan stated that the petitioner is seeking dimensional variances. The subject property contains 5,000 square feet and 15,000 is required the side yard setback is 25' and 30' is required, the frontage is 50' and 125' is required, side yard setback is 5' and 20' is required and the coastal setback is 25' and 50' is required. He stated that there would be a new ISDS on site system installed. CRMC requested that the system be on the side proposed to keep it as far away from the Bay as possible. They reduced the size of the dwelling from their original plan. They will do all that is required by CRMC. There are numerous lots in the area that are non-conforming. The

variance requested is due to the unique characteristics of the property. The lot has been there a long time and it is not due to any prior action of the applicant.

Paul Wyrostek stated that the house cannot be made any smaller or it would be unliveable.

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Bruce Cryan and Susan Sumundson, 12 Mayflower Avenue, Warwick, abutting property owners were present.

They are on objection. The house is too close to their property line. The houses would only be 13' apart. The house is too far forward. They are building along their site lines. Right now they have an unrestricted view. The house will be three stories twice the size of the other homes in the area.

The Chairman stated that no one owns a view and there is no other place to put the house it is within CRMC's limits.

The objector's stated that they are not opposed to a neighbor but want to know why so many variances.

Robert Azar, 31 Priscilla Avenue, was present in objection.

He explained the history of the flooding of the subject property and the area to the Board. He stated that the water will come right up to the house if there is a hurricane. He was concerned about the right of way.

Mr. Brennan stated that the right of way will not be infringed upon.

Mr. Crenca asked to add the stipulation that any repair to the seawall not be done without CRMC approval.

Mr. Corley made a motion to approve the petition. He stated that he shares the comments of Mr. Azar. It does not prohibit building. It is a 20' wide house it is unusual because of the unique character of the land. The side setbacks are necessary the lot is pre-existing. The petitioner is entitled to some beneficial use of the land. The petitioner agreed to all of the stipulations. The motion was seconded by Beverly Sturdahl and passed unanimously by the Board that the petition be GRANTED with stipulations.

The Chairman adjourned the hearing at 8:20 P.M.

BY ORDER OF THE ZONING BOARD OF REVIEW, WARWICK, RHODE ISLAND

Donald G. Morash, Jr., Chairman

